



Michael Corwin

11/10/2010 03:15 PM

To [hampton@fec.gov](mailto:hampton@fec.gov)

cc

bcc

Subject MUR6414 Response from Corwin, Dillon and Arango

Ms. Hampton,

Attached please find the response by Michael Corwin, Jeannine Dillon and Victor Arango along with attachments (exhibits). Please let me know if you need anything else at all from us or if you have any questions. I can be reached at . Thank you for your assistance.



MUR6414 Response from Corwin Dillon and Arango.pdf

Michael Corwin

*Down these mean streets a man must go who is not himself mean, who is neither tarnished nor afraid. The detective must be a complete man and a common man and yet an unusual man. He must be, to use a rather weathered phrase, a man of honor. He talks as the man of his age talks, that is, with rude wit, a lively sense of the grotesque, a disgust for sham, and a contempt for pettiness.-Raymond Chandler*

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CELA

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November 10, 2010

Ms. Frankie D. Hampton  
Federal Election Commission  
999 "E" Street NW  
Washington, DC 20463

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COMMISSION

2010 NOV 10 PM 4: 09

CELA

Confidential via Email Transmission

RE: Case # MUR6414  
Response to Complaint by Edward R. Martin, Jr.

Dear Ms. Hampton:

This is the response submitted by Michael Corwin, Jeannine Dillon and Victor Arango to the complaint filed by Edward R. Martin, Jr. The complaint filed by Mr. Martin is without merit and should be dismissed.

#### Background

TheRealEdMartin.com is an investigative website that documents, through publicly available information, Ed Martin's time as a member of the Archdiocese of St. Louis Curia as it related to the pedophile priest scandal that engulfed that Archdiocese. The Curia consists of "those institutions and persons which assist the bishop in the governance of the whole diocese, especially in guiding pastoral action, in caring for the administration of the diocese and in exercising judicial power." (Canon 469 Emphasis Added). Members of this Archdiocesan board perform their administrative functions under an oath of secrecy (that appears to have taken precedent over Ed Martin's oath of allegiance to the US Constitution and state law as an officer of the court) that cannot be broken except under the direction of the Archbishop. (Canon 471). Ed Martin was a member of the Curia from 1998-2001.

#### FEC Regulations Governing TheRealEdMartin.com

TheRealEdMartin.com was created by two individuals, Michael Corwin and Jeannine Dillon, in the exercise of their first amendment rights. The website, which is accessible to the public for free and the companion video distributed both on the website and on YouTube, a free public Internet video download website, per Title II, Chapter I, Section 100.26 are not classified as a form of general public advertising. "The term general public political advertising shall not include communications over the Internet, except for communications placed for a fee on another person's Web site." (Emphasis Added).

Internet communications are the only means of communication specifically exempted from the definition of public communication. All other forms of communication as identified in Sec. 100.26 including broadcast, cable, or satellite communication,

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newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public are specifically identified as a public communication.

In order for any communication to be "coordinated", the FEC (In its Coordinated Communications and Independent Expenditures Brochure) established a three-prong coordination test. "All three prongs of the test- payment, content and conduct- must be met for a communication to be deemed coordinated and thus an in-kind contribution." In order for the content prong to be met the communication must be a public communication and publicly broadcast communication as defined by SEC 100.26. Thus, because TheRealEdMartin.com is exempt from being a public communication it cannot be deemed a coordinated communication. --TheRealEdMartin.com and the companion video because of their free Internet distribution reached audiences worldwide including people from Australia, France and England, a range well beyond the "relevant electorate." We received emails domestically from individuals concerned about pedophile priests and their victims from as far away as California and Pennsylvania. TheRealEdMartin.com was covered by publications with national and international audiences including The National Catholic Reporter and DailyKos among others.

Further, that the FEC treats unpaid Internet distribution as entirely different from any other form of communication is shown by both Title II, Chapter I Sec. 100.155 *"Uncompensated Internet activity by individuals that is not an expenditure"* and Title II, Chapter I, Sec. 100.94 *"Uncompensated Internet activity by individuals that is not a contribution".* (Emphasis added).

(a) When an individual or a group of individuals, acting independently or in coordination with any candidate, authorized committee, or political party committee, engages in Internet activities for the purpose of influencing a Federal election, neither of the following is an expenditure (or contribution) by that individual or group of individuals:

- (1) The individual's uncompensated personal services related to such Internet activities;
- (2) The individual's use of equipment or services for uncompensated Internet activities, regardless of who owns the equipment and services.

(b) Internet activities. For the purpose of this section, the term "Internet activities" includes, but is not limited to: Sending or forwarding electronic messages; providing a hyperlink or other direct access to another person's website; blogging; creating, maintaining or hosting a website; paying a nominal fee for the use of another person's website; and any other form of communication distributed over the Internet."

Thus, as long as the specific Internet activity is uncompensated, the FEC even permits coordination. It is also clear by the wording in SEC 100.55 and SEC 100.94 that it is the Internet activity that must be uncompensated. There is no prohibition against individuals engaging in uncompensated Internet activity who were previously paid for other actions unrelated to the Internet activity.

Because by definition there was no coordination, no expenditure and no contribution from or on behalf of the Carnahan Campaign, no disclosure was required on it's behalf.

**Evidence to Prove that No Payments were Made by the Carnahan Campaign to Michael Corwin, Jeannine Dillon or Victor Arango for Any Internet Activity.**

Among the many false assertions made by Ed Martin in his complaint was that two payments made by the Carnahan Campaign to Veritas Research, LLC (Jeannine Dillon and her husband Victor Arango), both of which were properly reported by the Carnahan Campaign somehow were paid to Dillon and Arango to create the website. However, as the attached invoices show, both payments to Veritas pertained specifically to billable hour fieldwork and research done in St. Louis, MO including travel expenses such as air fare, hotel and rental car.

Jeannine Dillon submitted an email invoice to Angela Barranco of the Carnahan Campaign on August 3, 2010 in the amount of \$4500 labeled "Phase 1 (St. Louis, MO) for "general research, document research, pre-production research, and all production-related fieldwork. Fee includes all travel expenses." (See Invoice Marked Exhibit A). This work was performed in St. Louis, MO from August 12-15<sup>th</sup>. (See Air Itinerary and Hotel Bills Marked Exhibit B). It should be noted that in his complaint Ed Martin refers to this as a payment made on August 2, 2010. No where in this invoice is there any mention of Internet Activity.

Jeannine Dillon submitted a second email invoice to Angela Barranco of the Carnahan Campaign on September 22, 2010 labeled "Phase II (Second Research Trip to St. Louis, MO). The itemized invoice broken down by work billed at an hourly rate, travel related expenses and other work, was described as "Services to include general research, document research and review/telephone interviews and fieldwork. Fee includes all research services and all travel-related expenses for two-person team." (See Invoice Marked Exhibit C). This work was performed in St. Louis, MO on September 4-5, 2010. (See Airline Itinerary Marked Exhibit D). No where in this invoice is there any mention of Internet Activity.

No other payments were made to either Michael Corwin, Jeannine Dillon or Victor Arango. Thus it is quite clear that no payments were made by the Carnahan Campaign for any Internet Activity. Thus, the Internet activity was uncompensated.

It should also be noted, since it is raised in Ed Martin's complaint, that Michael Corwin received a payment in April 2010 as a retainer for research services. (See Invoice Marked Exhibit E). Corwin was paid as a subcontractor through LKK Partners. Upon information and belief, the Carnahan Campaign disclosed, as required by law, all payments that it made to LKK Partners. Contrary to Ed Martin's false assertion, Michael Corwin was never an "employee" of the Carnahan Campaign.

**Termination of Work Relationship**

Because of the exceptionally difficult nature of the subject matter of the investigation, pedophile priests and child molestation, a rift developed between members of the

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Carnahan Campaign and Michael Corwin and Jeannine Dillon. Campaign Manager Angela Barranco and Media Consultant Christopher Klose grew increasingly reluctant to use the information regarding Martin's role on the Curia and the pedophile priest scandal. Their opposition arose from a fear of alienating the "Catholic Vote". This led to increasingly heated discussions in which Barranco became more adamant that this information could not be used. Corwin, a plaintiff litigation case preparation investigator, who handles between five and ten cases of child abuse/molestation per year and Dillon, who is in graduate school to earning a degree in child and family counseling with a special emphasis on treating victims of abuse/molestation grew equally as adamant that the information needed to be brought forward because Ed Martin's choosing to remain silent in the face of molestation is a grave matter of public interest. In many states failing to report knowledge of molestation can be grounds for civil and/or criminal prosecution.

On September 18, 2010, Michael Corwin, upon learning that Pope Benedict XVI, on September 16, 2010, gave the strongest condemnation yet of the Catholic Church's failure to remove pedophile priests, sent an email to Barranco believing he finally had strong enough information to break the impasse with Barranco over using the materials. However, on September 19<sup>th</sup>, Barranco responded back, *"although this is a good step, the insular people of St. Louis will see this as an attack on the church, no matter what happens at the papal level."* (See Email Marked Exhibit F).

At no point throughout this period of time were there any discussions with Barranco about putting up a website to release information about Martin's role nor was any video approved by Barranco or the Campaign.

Realizing that there was no way that Barranco would approve using the information, a decision was made to wait until Dillon could invoice and receive payment for the prior fieldwork done September 4-5, 2010 from Barranco and after receipt of payment to break away from the campaign.

On October 4, 2010 Corwin sent an email to Barranco entitled "Termination of Work Relationship". (See Email Marked Exhibit G). Corwin and Dillon terminated the work relationship with the Carnahan Campaign citing the refusal to move forward following the Pope's statement. It should be noted that Corwin discussed with two separate attorneys familiar with federal campaign law before deciding to end the relationship.

On October 6, 2010, Barranco responded with an email, *"From this point forward, Carnahan in Congress has nothing to do with this matter, and we wish to have no future involvement in it. We also understand that we have no further debts to you, as per your final invoice."* (See Email Marked Exhibit H). No further payments were made by the Carnahan Campaign to either Corwin or Dillon.

Because the information is not in violation of a public political broadcast and does not fall under coordination, there is also no 120 day firewall requirement as erroneously represented by Ed Martin.

At that time, Corwin and Dillon decided to proceed on their own, at their own expense with TheRealEdMartin.com website and video. Corwin purchased the Domain name TheRealEdMartin.com from GoDaddy for approximately \$12.00 including tax and purchased for a full year web hosting by Fnt Com for \$44 for the year (\$3.67/month). Those were the only expenses for the website.

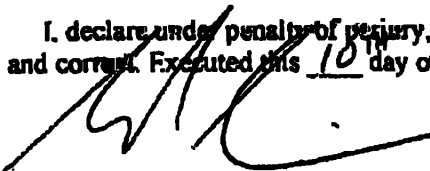
Dillon asked her husband, Victor Arango, who up until this time had no role in any of the investigation, to design and create the website. Arango did so at no cost, donating his time and services to create the website, while Corwin prepared the written content of the website and Dillon prepared the video. Corwin and Dillon also were not compensated by anyone for their role in any of the Internet activity. At no time was the website, it's content or video ever presented to anyone from the Carnahan Campaign, nor was it ever authorized or endorsed in any way by the Carnahan Campaign.

Because of the considerable public interest at issue involving the molesting of children, Corwin and Dillon decided to distribute the video under their own names with the following disclosure:

*"This website complies with F.E.C. Regulations, Sec. 109.26, 100.155 and 100.94. This website, and all its contents, including the investigation, the video report, and the written report are distributed free to the public via the Internet. The information distributed herein has not been paid for, endorsed, or approved by any political party, interest group, candidate, or campaign. All background evidence source material included on the website and used in the reports was and is available to the public at no cost. Michael Corwin and Jeannine Dillon are solely responsible for the content of this website.*

Verification Under Penalty of Perjury

I, declare under penalty of perjury, that the foregoing Response to Complaint is true and correct. Executed this 10th day of November, 2010 in Albuquerque, New Mexico.



Michael Corwin  
11024 Montgomery Blvd. NE #128  
Albuquerque, NM 87111

I, declare under penalty of perjury, that the foregoing Response to Complaint is true and correct. Executed this 12 day of November, 2010 in Denver, Colorado.

  
Jeannine Dillon

Denver, Colorado 80220

  
Victor Arango

Denver, Colorado 80220